

Service Date: August 25, 1981

DEPARTMENT OF PUBLIC SERVICE REGULATION

MONTANA PUBLIC SERVICE COMMISSION

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In the Matter of the Application by)	UTILITY DIVISION
The Montana-Dakota Utilities Company)	DOCKET NO. 81.1.2
to increase rates for electric service.)	PHASE II

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PRELIMINARY DETERMINATION OF ELIGIBILITY
OF ACTION FOR EASTERN MONTANA
FOR REIMBURSEMENT OF COSTS

On August 12, 1981, Action for Eastern Montana (AEM) applied to this Commission for a preliminary determination of eligibility for reimbursement of costs incurred as a result of its participation in this docket. Such reimbursement is allowed under the Public Utility Regulatory Policies Act (PURPA), 16 U.S.C. Section 2632, Montana Code Annotated, Sections 69-3-102 and 69-3-103 (1979), and Administrative Rules of Montana, (A.R.M.), Sections 38.5.201 through 38.5.204.

No objections to AEM's application were received as of the date of this order.

FINDINGS

The Commission finds that AEM's application for award of costs of participation meets the requirements of A.R.M., Section 38.5.201 in the following particulars:

(1) AEM represents the interests of small residential and low income consumers within MDU's service area.

(2) The interests of small residential and low income consumers may be distinct from the interests of the "consuming public".

(3) Montana Consumer Counsel denied AEM's request for representation insofar as MCC's position on time-off-day rates differs from AEM's and in that MCC is not sponsoring testimony concerning interruptible rates or adoption of a lifeline structure.

(4) AEM's constituency's interests are relevant to the issues in this proceeding.

(5) AEM's participation is needed for a full and fair determination of the issues because the interests of small residential users and low income consumers may otherwise be minimized.

(6) AEM has actively participated in this docket and has adequately outlined availability of other funding sources and their anticipated budget.

(7) Without an award of fees and costs, participation will be a significant hardship for AEM. Patricia Callaghan, Executive Director of AEM, stated that their clients have no financial resources with which to participate and that AEM has foregone other worthy projects on behalf of its clients, with dim prospects of receiving government funding in the future, to afford participation in this docket.

(8) AEM's application for an award of costs of participation was submitted within the time period established by the Public Service Commission's regulations.

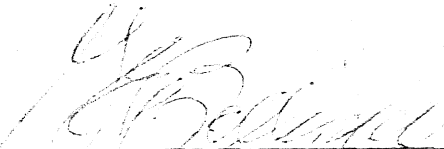
DETERMINATION

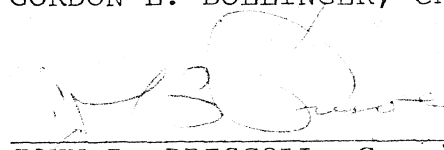
The Commission, based on its findings, determines that Acti Western Montana is entitled to a preliminary deter-

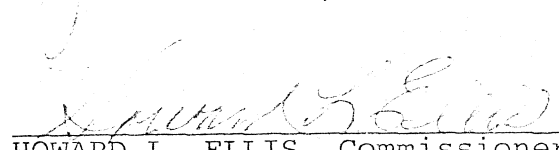
mination of eligibility to receive an award of costs of participation. This determination does not assure AEM of an award upon final order.

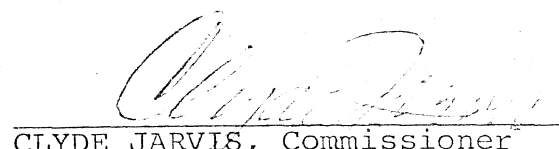
DONE AND DATED this 21 day of August, 1981, by a vote of
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BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.


GORDON E. BOLLINGER, Chairman


JOHN B. DRISCOLL, Commissioner



HOWARD L. ELLIS, Commissioner


CLYDE JARVIS, Commissioner


THOMAS J. SCHNEIDER, Commissioner

ATTEST:

Madeline L. Cottrill
Commission Secretary

By:  Acting Secretary

(SEAL)